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whether the conduct of Diwan Bahadur Kesava Pillai was within the scope of the enquiry ordered by the Government and secondly whether the procedure was correct. I therefore oppose this motion."

Mr. A. RANGANATHA MUDALIYAR :—" I think, Sir, the matter may be put to vote now."

\* The hon. the PRESIDENT :—" Does the hon. Member wish to reply ? "

\* Mr. A. RAMASWAMI MUDALIYAR :—" I have to say nothing particular by way of reply, Mr. President, except this : that I do not think that in the course of my speech, I have suggested that the report of Mr. Courtenay should not be published. I know perfectly well that there would have been an insistent public demand for the publication of the report. I only suggested that Mr. Courtenay probably thought that in making the statements that he had made, the report would not see the light of day. I certainly take it that every one of us must have insisted on the publication of the report. And as regards the observations which I made on the Government Order, they stand as they are. I do not think I ever suggested that it was a strictly judicial tribunal, nor the observation that I have suggested that the whole matter should come before a committee meant anything more than what I intended."

The amended motion for adjournment of the business of the House was then put and carried.

The House then adjourned for fifteen minutes and re-assembled at 4-12 p.m.

THE COCHIN PORT TRUST BILL.

\* The hon. Sir C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, I move that we now pass over the other items on the agenda until we come to the Cochin Port Trust Bill, and that we begin consideration of the report of the Select Committee on that Bill."

Mr. T. R. Venkatarama Sastriar seconded the motion.

The motion was put and carried and the consideration of the intermediate business on the agenda up to the Cochin Port Trust Bill was postponed.

\* The hon. Sir C. P. RAMASWAMI AYYAR :—" I move, Sir, with your permission, that we take into consideration the report of the Select Committee on the Cochin Port Trust Bill. It will be remembered that the Select Committee that was appointed was very representative in character and Members belonging to all sections of this House were represented on that Select Committee. They have recommended practically unanimously certain changes and, speaking on behalf of Government, we are prepared to accept the changes suggested by the Select Committee. I am sorry I do not now see in his seat Mr. Saldanha who has made himself responsible for almost all the amendments that have been tabled in regard to the Cochin Port Trust Bill. But I may say this that, after considerable discussion with the hon. Member, Mr. Saldanha who with a not unnatural zeal pressed the claims of the Cochin municipality for representation on the Port Trust and, although certain possible inconveniences and future embarrassments that might arise from such inclusion were pointed out, would not yield—and he



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was such a zealous advocate—I thought on the whole it was the better part of valour to yield to his request. In the result therefore, I am prepared on behalf of Government to accept representation for the Cochin Municipal Council by one extra member on the Cochin Port Trust. That amendment will come in at its proper place. I have no further remarks to offer, and I move that the Bill as reported by the Select Committee be taken into consideration.”

Mr. T. R. Venkatarama Sastriar seconded the motion.

\* Mr. J. A. SALDANHA:—“Sir, I have only to present formally the memorial of the residents of Cochin.”

\* The hon. Sir C. P. RAMASWAMI AYYAR:—“Technically, Sir, the hon. Member is not in order in presenting the memorial now; he should do it after question time. But I may say that the memorial is in the hands of all hon. Members, because the Cochin people have not lost much time in sending the memorial to everybody in time.”

Clauses 1 to 5 were then put, passed and allowed to stand part of the Bill.

*Clause 6.*

\* Mr. J. A. SALDANHA:—“Sir, I move that in clause 6 (1) (a) after the words ‘Cochin Chamber of Commerce,’ the words ‘one by the Cochin Municipal Council,’ and after the words ‘of the Chamber,’ the words ‘or Municipal Council,’ be inserted.”

Dr. P. Subbarayan seconded the amendment.

The hon. Sir C. P. Ramaswami Ayyar accepted the amendment.

Mr. K. PRABHAKARAN TAMPAN:—“Sir, I do not object to the amendment, and I may tell the House that from the beginning I have been for giving representation to the Municipal Council of Cochin. But at the meeting of the Select Committee it was pointed out that neither the port house nor the other offices and buildings of the Port Trust were within the municipal limits of Cochin and that the municipality was not connected with the port, and therefore we decided that there ought to be no representation for the municipality of Cochin. I should like to know whether the offices and other buildings belonging to the port are within the municipal limits of Cochin and whether there is any special reason why this municipality should be given representation.”

\* The hon. Sir C. P. RAMASWAMI AYYAR:—“I am afraid my hon. Friend was not here when I made my prefatory observations with regard to this Bill. I do not for a moment wish to derogate from the soundness of the conclusions arrived at by the Select Committee of which my hon. Friend was a Member. It was pointed out and it still continues to be the fact that the Cochin Municipal Council is at present not interested in any of the buildings or any of the appurtenances of the port, but it has been pointed out moreover that in the further development of the port there might be interests within the Cochin Municipal Council. Merely as a matter of compromise and because my hon. Friend Mr. Saldanha said that if I agreed to one Member of the Cochin Municipal Council he was not going to press his other amendments of which he gave notice, the suggestion was agreed to.”

Mr. K. PRABHAKARAN TAMPAN:—“May I take it that this is not at the sacrifice of the members already given?”



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\* The hon. Sir C. P. RAMASWAMI AYYAR :—" This is an additional Member that is now given."

\* Mr. J. A. SALDANHA :—" With regard to the query of my hon. Friend, I must answer that the municipality has got some inherent interests, long-standing, ancient and paramount interests in the port. There are roads now actually within the jurisdiction of the port trust which are owned, maintained and repaired and lighted by the municipality. Then, the conservancy also is under the control of the municipality. And also there are various other ways in which their interests are inter-linked and sometimes over-lap and sometimes are at conflict. For these reasons, this municipality is interested in the Cochin Port Trust, as all municipalities are interested in the welfare and concerns of the ports which abut them."

\* The hon. Sir C. P. RAMASWAMI AYYAR :—" May I appeal to my hon. Friend not to enlarge on that argument, because as I told him, once he goes on with the merits of this matter, we have to consider the municipalities of Mattancheri, Ernakulam and other municipalities. That is why I said that as a matter of compromise we accepted a *modus vivendi*. We need not therefore go into the merits of the Cochin municipality, though I dare say they are very great."

\* The hon. the PRESIDENT :—" I understand there is another amendment given notice of by Mr. Ross. Would it not be better that that is moved first? "

\* Mr. T. R. VENKATARAMA SASTRIYAR :—" As I understand the amendment under discussion, the section will run after the amendment, thus:— 'Two trustees shall be elected by the members for the time being of the Cochin Chamber of Commerce, one by the Cochin Municipal Council and one by the members for the time being of the United Planters' Association of Southern India, at a meeting of the Chamber or Municipal Council or Association held in accordance with the rules in force.' Mr. Ross's amendment comes at the end."

The amendment of Mr. Saldanha was put and carried.

Mr. T. M. Ross :—" Sir, I move that at the end of section 6 (1) (a), the following words be added :—

'or by postal vote in the case of the Association.'

' I will explain why I have given notice of this amendment in a few words. In section 6 (1) (a) it is provided that 'Two Trustees shall be elected by the Members for the time being of the Cochin Chamber of Commerce, one by the Cochin Municipal Council and one by the members for the time being of the United Planters' Association of Southern India at a meeting of the Chamber or Municipal Council or Association held in accordance with the rules in force'. Again in section 12 (1) it is provided that 'when an elected Trustee ceases to hold office, the vacancy shall be filled up within one month by the Chamber of Commerce or the United Planters' Association of Southern India as the case may be in the manner provided in clause (a) of sub-section (1) of section 6'. The House is aware that the members of the United Planters' Association of Southern India reside in various parts of Southern India and in consequence of that, much of the business of the Association is conducted by post. Again, owing to the distances which separate members from one another, it is impossible for the Association to



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hold meetings at short notice. Moreover, 21 days' notice has to be given for all meetings. It will therefore be seen that it is well nigh impossible for the Association especially in the case of occasional meetings to hold elections under the rules as provided under section 6 (1) (a) or to fill up vacancies within one month as required by section 12 (1). The Government have already recognized the peculiar position of the Planters in regard to the procedure laid down for electing the Planters' representative in this House. And I think in regard to the election of a member for the Port Trust of Cochin also the same reason holds good. I therefore move, Sir, that section 6 (1) (a) be amended as I suggest. My amendment is to add the words 'or by postal vote in the case of the Association' at the end of section 6 (1) (a)."

Sir James Simpson seconded the amendment.

\* The hon. the PRESIDENT :—“ It has been moved and seconded that at the end of sub-clause (1) (a) as amended already, the words  
4-50 p.m. ‘ or by postal vote in the case of the Association’ be inserted.”

The amendment was put and carried.

\* Mr. T. R. VENKATARAMA SASTRIYAR :—“ A consequential amendment is necessary in clause (2) of section 6, which reads : ‘ A return of the name of every person elected as Trustee shall be forwarded to the Local Government by the Chairman of the Chamber or Association concerned.’ The words ‘ or Municipal Council’ will have to be inserted after the word ‘ Chamber.’ I therefore move that the words ‘ or Municipal Council’ be inserted after the word ‘ Chamber’ in sub-clause (2) of clause 6.”

\* The hon. Sir C. P. RAMASWAMI AYYAR :—“ I second it.”

The amendment was put and carried.

Clause 6, as amended, was then put, passed and added to the Bill.

Clauses 7 to 11 were also then put, passed and added to the Bill.

#### Clause 12.

\* Mr. T. R. VENKATARAMA SASTRIYAR :—“ Clause (1) of section 12 reads : ‘ When an elected Trustee ceases to hold office, the vacancy shall be filled up within one month by the Chamber of Commerce or the United Planters’ Association of Southern India as the case may be in the manner provided in clause (a) of sub-section (1) of section 6.’ I move that the words ‘ or the Cochin Municipal Council’ be added after the word ‘ Commerce’ in this sub-clause.”

\* The hon. Sir C. P. RAMASWAMI AYYAR :—“ I second it.”

The amendment was put and carried.

Clause 12 as amended was then put, passed and added to the Bill.

Clauses 13 to 119 were also next put, passed and added to the Bill.

The preamble was then put, passed and added to the Bill.

\* The hon. Sir C. P. RAMASWAMI AYYAR :—“ I move that the Bill be now passed into law.”

\* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I second it.”

The motion was put and carried.